



## TEXAS DEPARTMENT OF INSURANCE

### Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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## MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

### GENERAL INFORMATION

**Requestor Name**

Conroe Regional Medical Center

**Respondent Name**

Liberty Insurance Corp

**MFDR Tracking Number**

M4-16-2250-01

**Carrier's Austin Representative**

Box Number 01

**MFDR Date Received**

April 1, 2016

### REQUESTOR'S POSITION SUMMARY

**Requestor's Position Summary:** "In closing, it is the position of the Hospital that all charges relating to the admission of this claimant are due and payable and not subject to the improper reductions taken by the Carrier in this case. The Carrier's position is incorrect and in violation of Rule §134.403."

**Amount in Dispute:** \$5,768.40

### RESPONDENT'S POSITION SUMMARY

**Respondent's Position Summary:** "The bill and documentation attached to the medical dispute have been re-reviewed and our position remains unchanged."

**Response submitted by:** Liberty Mutual Insurance

### SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
September 17, 2015	Outpatient hospital services	\$5,768.40	\$0.00

### FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and applicable rules of the Texas Department of Insurance, Division of Workers' Compensation.

**Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.403 sets out the reimbursement guidelines for outpatient hospital services.

3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
  - MDPS – Services reduced to the outpatient perspective payment system (OPPS)
  - MSIN – This is a packaged item. Services or procedures included in the APC rate, but not paid separately
  - 193 – Original payment decision is being maintained. Upon review, it was determined that this claim was processed properly
  - MX79 – Per NCCI, the procedure code is denied, as included in a more extensive procedure
  - P300 – Charge exceeds fee schedule/maximum allowable or contracted/legislated fee arrangement

### **Issues**

1. What is the Medicare payment rule?
2. What is the applicable rule that pertains to reimbursement?
3. Is the requestor entitled to additional reimbursement?

### **Findings**

1. The services in dispute are for Outpatient Hospital Services with dates of service October 13, 2015. 28 Texas Administrative Code 134.403 (d) states in pertinent part, “For coding, billing, reporting, and reimbursement of health care covered in this section, Texas workers' compensation system participants shall apply Medicare payment policies in effect on the date a service is provided...” The carrier denied the following disputed services as, MSIN – “This is a packaged item. Services or procedures included in the APC rate, but not paid separately” and MX79 – “Per NCCI, the procedure code is denied, as included in a more extensive procedure.” Review of the Medicare billing policy finds the following:
  - Procedure code C1713 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Procedure code 36415 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Procedure code 85014 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Procedure code 85018 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Per Medicare CCI guidelines, procedure code 29825 may not be reported with procedure code 29827 billed on the same claim. Payment for this service is included in the payment for the primary procedure. Separate payment is not recommended.
  - Per Medicare CCI guidelines, procedure code 23700 may not be reported with procedure code 29826 billed on the same claim. Payment for this service is included in the payment for the primary procedure. Separate payment is not recommended.
  - Per Medicare CCI guidelines, procedure code 64415 may not be reported with procedure code 29826 billed on the same claim. Payment for this service is included in the payment for the primary procedure. Separate payment is not recommended.
  - Procedure code 29826 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Procedure code J0171 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Procedure code J0690 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
  - Procedure code J1100 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.

- Procedure code J2250 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
- Procedure code J2370 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
- Procedure code J2405 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
- Procedure code J2704 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
- Procedure code J3010 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.
- Procedure code J7120 has a status indicator of N payment is packaged into the reimbursement for other services, including outliers.

The Medicare Claims processing Manual defines the terms, Status Indicators, APC Payment Groups as follows:

#### **10.1.1 - Payment Status Indicators**

*An OPPS payment status indicator is assigned to every HCPCS code. The status indicator identifies whether the service described by the HCPCS code is paid under the OPPS and if so, whether payment is made separately or packaged. The status indicator may also provide additional information about how the code is paid under the OPPS or under another payment system or fee schedule. For example, services with status indicator A are paid under a fee schedule or payment system other than the OPPS. Services with status indicator N are paid under the OPPS, but their payment is packaged into payment for a separately paid service. Services with status indicator T are paid separately under OPPS but a multiple procedure payment reduction applies when two or more services with a status indicator of T are billed on the same date of service.*

*The full list of status indicators and their definitions is published in Addendum D1 of the OPPS/ASC proposed and final rules each year. The status indicator for each HCPCS code is shown in OPPS Addendum B.*

#### **10.2 - APC Payment Groups**

*Each HCPCS code for which separate payment is made under the OPPS is assigned to an ambulatory payment classification (APC) group. The payment rate and coinsurance amount calculated for an APC apply to all of the services assigned to the APC. A hospital may receive a number of APC payments for the services furnished to a patient on a single day; however, multiple surgical procedures furnished on the same day are subject to discounting. (See section 10.5 for discussion of multiple procedure discounting under the OPPS).*

Pursuant to Medicare payment policy and provisions of Rule 134.403 (d), the carrier's denials are supported.

#### **2. 28 Texas Administrative Code 134.403 (f) states in pertinent part,**

The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the Federal Register.

(1) The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:

(A) 200 percent; unless

(B) a facility or surgical implant provider requests separate reimbursement in accordance with subsection (g) of this section, in which case the facility specific

reimbursement amount and any applicable outlier payment amount shall be multiplied by 130 percent.

The Medicare facility specific reimbursement amount is explained at, <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/HospitalOutpaysysfctsht.pdf> as:

*“The payment rates for most separately payable medical and surgical services are determined by multiplying the prospectively established scaled relative weight for the service’s clinical APC by a conversion factor (CF) to arrive at a national unadjusted payment rate for the APC. The scaled relative weight for an APC measures the resource requirements of the service and is based on the geometric mean cost of services in that APC. The CF translates the scaled relative weights into dollar payment rates.*

*To account for geographic differences in input prices, the labor portion of the national unadjusted payment rate (60 percent) is **further adjusted by the hospital wage index** for the area where payment is being made. The remaining 40 percent is not adjusted. You may also receive the following payments in addition to standard OPPS payments:”*

Review of the submitted medical claim finds implants were not requested nor is any outlier payment amount applicable. The maximum allowable reimbursement for the services in dispute is calculated as follows:

- Procedure code L3650 has a status indicator of A, which denotes services paid under a fee schedule or payment system other than OPPS. Per 28 Texas Administrative Code §134.403(h), for outpatient services for which Medicare reimburses using fee schedules other than OPPS, reimbursement is made using the applicable Division fee guideline in effect for that service on the date the service was provided. Payment for this service is calculated according to the Medical Fee Guideline for Professional Services, §134.203(d)(1). The Medicare DMEPOS fee schedule amount for this code is \$56.92. 125% of this amount is \$71.15
  - Procedure code 29827 has a status indicator of T, which denotes a significant procedure subject to multiple-procedure discounting. The highest paying status T procedure is paid at 100%; all others are paid at 50%. This procedure is paid at 100%. These services are classified under APC 0042, which, per OPPS Addendum A, has a payment rate of \$4,345.55. This amount multiplied by 60% yields an unadjusted labor-related amount of \$2,607.33. This amount multiplied by the annual wage index for this facility of 0.9679 yields an adjusted labor-related amount of \$2,523.63. The non-labor related portion is 40% of the APC rate or \$1,738.22. The sum of the labor and non-labor related amounts is \$4,261.85. Per 42 Code of Federal Regulations §419.43(d) and Medicare Claims Processing Manual, CMS Publication 100-04, Chapter 4, §10.7.1, if the total cost for a service exceeds 1.75 times the OPPS payment and also exceeds the annual fixed-dollar threshold of \$2,775, the outlier payment is 50% of the amount by which the cost exceeds 1.75 times the OPPS payment. Per the OPPS Facility-Specific Impacts file, CMS lists the cost-to-charge ratio for this provider as 0.105. This ratio multiplied by the billed charge of \$6,678.80 yields a cost of \$701.27. The total cost of all packaged items is allocated proportionately across all separately paid OPPS services based on the percentage of the total APC payment. The APC payment for these services of \$4,261.85 divided by the sum of all APC payments is 100.00%. The sum of all packaged costs is \$5,994.97. The allocated portion of packaged costs is \$5,994.97. This amount added to the service cost yields a total cost of \$6,696.24. The cost of these services exceeds the annual fixed-dollar threshold of \$2,775. The amount by which the cost exceeds 1.75 times the OPPS payment is \$0.00. The total Medicare facility specific reimbursement amount for this line is \$4,261.85. This amount multiplied by 200% yields a MAR of \$8,523.70.
3. The total allowable reimbursement for the services in dispute is \$8,594.85. This amount less the amount previously paid by the insurance carrier of \$8,637.54 leaves an amount due to the requestor of \$0.00. No additional reimbursement can be recommended.

### **Conclusion**

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

### ***ORDER***

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 additional reimbursement for the services in dispute.

### **Authorized Signature**

_____	_____	_____ April , 2016
Signature	Medical Fee Dispute Resolution Officer	Date

### ***YOUR RIGHT TO APPEAL***

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**